IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 3929 of 2005

Between:

1 N.Subrahmanyam, S/o. Late N.Samba Murthy,
Steno Grade-I, Geological Survey of India, Southern Region,
Hyderabad R/o. Hyderabad.
2 The Geological Survey of India Employee's Association (GSIEA)
Regd.No.822, Southern Region, G.S.I. Complex,
Bandlaguda, Hyderabad. Rep. by its General Secretary,
Sri T.V.Ramayya.

..... PETITIONERS

AND

1 The Union of India, rep. by its Secretary,
Department of Mines, Sastry Bhavan, New Delhi.
2 The Director General, Geological Survey of India,
Kolkata-700016.
3 The Deputy Director General, Geological Survey of India, Southern Region,
G.S.I.Complex, Bandlaguda, Hyderabad.
4 The Enquiry Officer-cum-Geologist (Sr)
Geological Survey of India, Southern Region,
G.S.I., Complex, Bandlaguda, Hyderabad.
5 Sri S.D.Pawar, Deputy Director General,
Geological Survey of India, Southern Region,

G.S.I. Complex, Bandlaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Certiorari, calling for the records relating to the Memorandum No.513/C.14013/2004/Vig. dated 24-6-2004 from the file of the 3rd Respondent and after perusing the same quash the said Memo dated 24-6-2004, in so far as it relates to the Article of charges 2 & 3 and also set aside the order dated 9-2-2005 made in O.A.No.1200 of 2004 on the file of the Hon'ble central Administrative Tribunal, Hyderabad Bench at Hyderabad and with all other consequential benefits and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASSISTANT SG)

The Court made the following:

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The Writ Petition is filed challenging the order, dated 09.02.2005, passed by the Central Administrative Tribunal, Hyderabad, in O.A.No.1200 of 2004.

2. The petitioner No.1 who was working as Stenographer Grade-I also appears to be the General Secretary of Geological Survey of India Employees' Association. The authorities issued a charge sheet framing the following three charges against him.

"**CHARGE No.1:-**

That Shri N. Subrahmanyam, Stenographer Gr-I, attached to Publication Division, GSI, SR, Hyderabad in the capacity of General Secretary of GSI Employees' Association (822) submitted representation dated 20.02.2004 directly to the Secretary, Ministry of Mines contravening the Provisions of Rule 6(d) of CCS (RSA) Rules, 1993.

Thus by his above acts Shri N.Subrahmanyam, exhibited lack of devotion to duty and failed to maintain absolute integrity and behaved in a manner unbecoming of a Government Servant contravening the Provisions of Rule 3(1) of CCS (Conduct) Rules, 1964.

CHARGE No.2:-

That Shri N. Subrahmanyam, Steno Gr-I in the capacity of General Secretary, GSIEA (822) vide letter dated 20.02.2004 made baseless and frivolous complaints against the Officer-in-charge of Estate Cell, SR and PAO, SR.

Thus by his above acts, Shri N. Subrahmanyam failed to maintain absolute integrity and behaved in a manner unbecoming of a Government Servant contravening the Provisions of Rule 3(1)(i) & (ii) of CCs (Conduct) Rules, 1964.

CHARGE No.3:-

That Shri N.Subrahmanyam, in his representation dated 20.2.2004 made in the capacity of General Secretary of GSIEA (822) and addressed to the Secretary, Ministry of Mines quoted unauthorized information.

Thus Shri N.Subrahmanyam by his above acts contravened the provisions of Rule 11 of CCS (Conduct) Rules, 1964, and failed to maintain absolute integrity and behaved in a manner unbecoming of a Government Servant in violation of Rule 3(1) of CCS (Conduct) Rules, 1964."

3. Assailing the said charge Memo, he filed O.A.No.1200 of 2004. The learned Tribunal after considering the matter quashed Charge No.1 and directed that the inquiry shall proceed against Charge Nos.2 and 3.

4. Learned counsel, Sri V. Jagapathi, appearing for the petitioners submits that when Charge No.1 is dropped, Charge Nos. 2 and 3 would also been automatically dropped as the representation made in the capacity of General Secretary of GSI Employees Association, and that as Charge No.1 relates to the representation in the capacity of General Secretary, Charge Nos.2 and 3 also stand on the same finding and therefore, the order of the Tribunal is liable to be set aside.

5. Though the argument appears to be appealing, but on a deeper scrutiny, the argument pales into insignificance. The contention of the learned counsel for the petitioner that as he made the allegations against the officers, in the capacity of General Secretary, and as such, they do not constitute charge, but it cannot be said that had he made such allegations being an employee, they would have definitely constituted a charge.

6. We are unable to accept the contention raised by the learned counsel for the petitioner.

7. However, the learned counsel for the petitioners makes a grievance that if the 5th respondent acts as disciplinary authority, it will cause prejudice to his case and therefore, he seeks appropriate direction to conduct the enquiry by any person other than the 5th respondent as disciplinary authority.

8. We are not inclined to make any finding on this aspect. We leave it open to the petitioner to make representation to the higher authorities to change the disciplinary authority keeping in view the allegations leveled against him. The inquiry shall be conducted uninfluenced by the observations made by this Court in this order.

9. Thus, we do not find any merit in the Writ Petition and accordingly the same is dismissed. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 11.03.2005

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To

1 The Secretary, Union of India,

Department of Mines, Sastry Bhavan, New Delhi.
2 The Director General, Geological Survey of India,
Kolkata-700016.
3 The Deputy Director General, Geological Survey of India, Southern Region,
G.S.I.Complex, Bandlaguda, Hyderabad.
4 The Enquiry Officer-cum-Geologist (Sr)
Geological Survey of India, Southern Region,
G.S.I., Complex, Bandlaguda, Hyderabad.
5 Sri S.D.Pawar, Deputy Director General,
Geological Survey of India, Southern Region,
G.S.I. Complex, Bandlaguda, Hyderabad.

6 2 CC copies

7 1 CC to MR.RAJASHEKAR REDDY (ASSISTANT SG)

8 The Registrar, Central Administrative Tribunal, Hyderabad Branch, Hyderabad.